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IN THE

Supreme Court of the United States

October Term 1949

No. 159 Misc.

JOHN ROBERT ATHERTON and
HERMAN EDWARD BEHRE,
Petitioners,

vs.

UNITED STATES OF AMERICA

No. 160 Misc.

GEORGE CALVIN EDWARDS, et al.,
Petitioners,

vs.

UNITED STATES OF AMERICA

MEMORANDUM OF CONGRESS OF INDUSTRIAL ORGANIZATIONS *AMICUS CURIAE*, ON PETITION FOR WRITS OF CERTIORARI

ARTHUR J. GOLDBERG
General Counsel

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The Congress of Industrial Organizations representing millions of workers throughout the United States sees issues of fundamental importance in the within cases. The cases represent a system of forced labor without pay, which appears detrimental to the well being of our land and contrary to the fundamental guarantees against involuntary servitude.

That such an inroad into the power of a worker to earn a livelihood should have become a part of the law is cause for great concern.

At its annual convention in Atlantic City in 1946, problems posed by the Civilian Public Service Camp System was called to its attention.

The resolution attached as Exhibit "A" was passed.

Accordingly, it is urged that the issues raised by the petition are substantial and fundamental. Though this court has denied review of them before (e.g., *Roodenko* v. *United States*, (C.C.A. 10), 147 Fed. (2d) 752, cert. den. 324 U. S. 860, and others) the principles thus established should not be permitted to remain. At least a hearing should be had of the merits.

If Certiorari is granted, leave will be asked to file a brief on the merits.

Respectfully submitted,

ARTHUR J. GOLDBERG
General Counsel

RESOLUTION NO. 44—AMNESTY FOR CONSCIENTIOUS OBJECTORS (Page 275 Proceedings 8th Constitutional Convention of the Congress of Industrial Organizations, Atlantic City, November 18-22, 1946.

WHEREAS, more than a year after the end of hostilities 1,000 conscientious objectors to war and conscription are still confined to Federal prisons, many with sentences of five years, while 5,000 others who have completed their sentences continue to be punished by the loss of civil rights; and

WHEREAS, hundreds of religious objectors, accepting assignment to Civilian Public Service Camps were later sent to prison for striking against the camps' policy of forced labor without pay under military control; and

WHEREAS, the reason given for their imprisonment, that of wartime necessity, no longer exists, and it is fitting for a democracy to remove wartime restrictions upon its citizens at the earliest possible moment; and

WHEREAS, Amnesties have been granted by nine Presidents of the United States and since V-J Day have been given in many other countries; therefore, be it

RESOLVED, that the Congress of Industrial Organizations, reaffirming a high tradition of the American labor movement, urges the President of the United States to proclaim an amnesty for all such conscientious objectors.

Exhibit "A"